

## **SECTION VI: ASSESSMENT PAVING POLICY COST DISTRIBUTION**

It is the policy of the City of Fort Worth that the initial construction of a street, including curb, gutter, driveway approaches, and sidewalks, is the financial responsibility of the property owner, developer, or builder. When the City undertakes the construction or reconstruction of a street, it may assess a portion of the cost of construction against the owners of abutting property under conditions outlined in this policy.

When the City assesses a portion of the cost of construction against the owners of abutting property, the procedure to be followed shall be in accordance with Chapter 313 of the *Texas Transportation Code*. The amount assessed shall not exceed one hundred percent (100%) of the cost of curb and gutter, driveways, and required sidewalks, and ninety percent (90%) of the cost of all other facilities required for the construction of the project abutting private property. In addition, the assessments shall not exceed the amount that the value of the property is enhanced as determined in a Benefit Hearing as prescribed by law. The City will pay for the cost of curb and gutter, sidewalks, and pavement at intersections.

The assessment policy is based on the following functional classifications for the street system outlined in the City's *Traffic Engineering Design Standards and Policy Guidelines*.

### **1. Local Streets**

Local streets, which are, as a rule, streets less than 42 feet in width, generally provide access to and from low density residential areas and very limited public facilities. These streets carry less than 5,000 vehicles a day and provide little exposure to commercial ventures located on them. Under the City's *Policy for the Installation of Community Facilities*, these streets are constructed at the full expense of land developers with no City cost participation. The City accepts responsibility for maintaining local streets and for replacing them when they have deteriorated beyond the point of feasible maintenance. For existing local streets which are not paved or which do not have curb, or for streets that require features in excess of standard local street designs, property owners will be assessed as follows:

- a. Assessments for paving to a standard local street section will be computed on an annual rate based on the cost per front foot for earthwork, sub-base, base, and pavement for that portion of construction between the property line and the center of the street.
- b. Assessments for curb and gutter will be computed on an annual rate based on the cost per front foot for curb and gutter construction.
- c. Assessments for driveway approaches and sidewalks will be computed on an annual rate based on the cost per square yard for these facilities.

- d. Where the City Engineer determines that the use of adjoining land calls for paving to a standard greater than a local street section, assessments will be computed on a rate based on the actual or estimated cost per front foot for earthwork, sub-base, base, and pavement for that portion of construction between the property line and the center of the street.
- e. Where, at the property owner's request, streets are paved to a greater width or a stronger standard than required by the City, the increased cost will be paid entirely by the property owner, in advance of the contract award for the project.
- f. An additional seven percent (7 %) of the assessment rate will be assessed for design engineering and assessment administration costs.
- g. The total assessment against residential properties on local streets shall be no more than twenty percent (20%) of the amount that the property (including improvements) is currently appraised by the Tarrant Appraisal District.
- h. Enhancement studies will not be routinely obtained on local street projects.
- i. Council authorization will be obtained in advance before proceedings are initiated for assessments for pavement on local streets, but not before proceedings are initiated for assessment only for non-existent curb, gutter, driveways, and sidewalks.
- j. Individual consideration shall be given where property is irregularly shaped, where property does not have access to the street, where the street is behind or beside the property, and in other situations which, in staff's opinion, merit modification because the literal application of this policy would result in injustice or inequity. These cases will be referred to the City Council for any special action that the Council determines is necessary.

## **2. Arterial Streets**

Arterial Streets, which are, as a rule, streets 42 or more feet in width, generally provide access to and from the major centers of activity of a metropolitan area. They carry more than 5,000 vehicles a day and provide greater exposure for commercial ventures, which benefit from such exposure. The City generally constructs arterial streets, often with participation from property owners through community facilities agreements. The City accepts responsibility for maintaining arterial streets; however, on the premise that traffic volumes will increase on roadways that have improved surfaces and traffic carrying capacity, properties on arterial streets will be assess a portion of the cost of construction or reconstruction as follows:

- a. Assessments will be levied against all abutting properties for pavement, curb, gutter, sidewalks, and driveway approaches for streets that are (a) initially constructed at or widened to a width greater than 42 feet or (b) built to a pavement section stronger than that of a standard local street.
- b. Assessments will be computed on a rate based on the actual or estimated cost per front foot for curb and gutter, earthwork, sub-base, base and pavement for that portion of construction between the property line and the center of the street but no more than 26 feet from the face of curb.
- c. Assessments for driveway approaches and sidewalks will be computed on a rate based on the actual or estimated cost per square yard for these facilities.
- d. An addition seven percent t(&5) of the assessment rate will be assessed for design engineering and assessment administration costs.
- e. Where, at the property owner's request, streets are paved to a greater width or a stronger standard than required by the City, the increased cost will be paid entirely by the property owner, in advance of the contract award for the project.
- f. Assessments against properties that are used for one- or two-family residences and publicly-owned properties will be levied on the same basis as non-residential properties but will be waived after ten years if the property use has not changed. "Publicly owned" Properties means properties that are owned by the United States, the State of Texas, or a political subdivision of the State.
- g. Enhancement studies will be obtained for these projects, using the long-range value method, as opposed to the current value or income method.
- h. Council authorization will be obtained in advance for proposed assessments on arterial streets.

### **3. Community Development Block Grant Projects**

On both local and arterial streets, the following provisions shall apply:

- a. When Community Development Block Grant (CDBG) funds are available to pay thirty percent of all construction costs and a majority of the abutting property does not have curb, all properties used as single-family or duplex residential property shall not be assessed.
- b. The total assessment against any property located in a Community Development Block Grant target area shall be no more than forty percent (40%) of the amount

that the property, including improvements, is currently appraised by the Tarrant Appraisal District.

#### **4. Border Streets**

On border streets adjacent to a development, the Developer shall put up a cash deposit or bond acceptable to the City for one-half ( $\frac{1}{2}$ ) the cost of the street construction, including the cost of drainage improvements and street lights in accordance with the policy for Installation of Community Facilities, just as if the project were an Interior Street, at the time of execution of the Community Facilities Agreement, plus an additional two percent (2%) of the construction cost for construction inspection, administration and materials testing. In such cases where the developer/property owner will be platting properties such that one hundred (100) feet or less frontage on an open border street will occur, and/or the City Engineer believes that the open border street will not be constructed or reconstructed during the next five (5) years, the cash deposit or bond may be waived provided a duly executed assessment paving petition is submitted to the City. Furthermore, the developer shall dedicate the right-of-way to the City during the platting process for the half of the street adjacent to his property. For the other half of the street the following shall apply:

- a. Where property is platted, the property owner shall be assessed in accordance with Paragraphs 1 and 2 above as applicable. These assessments may be paid in five (5) equal payments, the first  $\frac{1}{5}$  due 30 days after completion of the project and additional payments of  $\frac{1}{5}$  annually for four (4) additional payments with eight percent (8%) interest on the unpaid balance.
- b. Where property is unplatted, the property owner shall be assessed for one-half of the street construction cost, including the cost of drainage improvements and street lights in accordance with the policy for the Installation of Community Facilities just as if the property were that of a developer on an Interior Street. These assessments may be paid in five (5) equal payments, the first  $\frac{1}{5}$  due 30 days after completion of the project and additional payments of  $\frac{1}{5}$  annually for four (4) additional payments with eight percent (8%) interest on the unpaid balance. If the adjacent property owner dedicates right-of-way, at no cost to the City, the assessments may be paid in ten (10) equal payments over a nine (9) year period, with eight percent (8%) interest on the unpaid balance.
- c. Where there is an existing farm house or similar dwelling on unplatted property, the property shall be treated as residential property in accordance with the Assessment Paving Policy as applicable for up to two hundred (200) feet of frontage. Furthermore, the property owner shall be assessed for half of the construction cost, including the cost of drainage improvements and street lights

for the remainder of his frontage (if any) in accordance with the policy for the Installation of Community Facilities just as if the property were that of a developer on an Interior Street. These assessments may be paid in five (5) equal payments, the first 1/5 due 30 days after completion of the project and additional payments of 1/5 annually for four (4) additional payments at eight percent (8%) interest. If the adjacent property owner dedicates additional right-of-way, at no cost to the City, the assessment may be paid in ten (10) equal payments over a nine (9) year period, with eight percent (8%) interest on the unpaid balance.

- d. Any time unplatted property is platted, all assessment liens shall become due and payable prior to final platting. If actual cost figures are unavailable, estimated cost figures shall be used to determine the payment required.

## **5. Approach Streets:**

The right-of-way for approach streets (a new route or an open street not adjacent to a subdivision being platted, but which provides access or improved access to such subdivision) must be provided to the City. Where a public or community necessity for such a street has been determined by the City Council, and the requesting developer is unable to negotiate the purchase of the necessary right-of-way, the City may acquire the right-of-way using its powers of eminent domain, provided the requesting developer agrees to pay any and all costs connected with the acquisition of the right-of-way.

If the adjacent property has previously been platted, the property owner shall be assessed for street paving in accordance with Paragraphs 1 or 2 above, with payments being 1/5 of the amount assessed due and payable 30 days after completion of the project and an additional payment of 1/5 each year thereafter for four (4) additional years with eight percent (8%) interest on the unpaid balance.

If the adjacent property is unplatted, the property owner shall be assessed for the construction cost, including the cost of drainage improvements and street lights in accordance with the policy for the Installation of Community Facilities just as if the property were that of a developer on an Interior Street. These assessments may be paid in five (5) equal payments, the first 1/5 due 30 days after completion of the project and additional payments of 1/5 annually for four (4) additional payments with eight percent (8%) interest on the unpaid balance. If the adjacent property owner dedicates right-of-way, at no cost to the City, the assessments may be paid in ten (10) equal payments over a nine (9) year period, with eight percent (8%) interest on the unpaid balance.

Any time unplatted property is platted, all assessment liens shall become due and payable

prior to final platting. If actual cost figures are unavailable, estimated cost figures shall be used to determine the payment required.

**6. Interior Streets in a New Development:**

- a. On developer- and/or property owner- initiated projects, the City shall not levy assessments for an interior street in a new development. Such cost must be financed by the developer in accordance with Sections IV, V, VII and X of the Policy for the Installation of Community Facilities. This results in the City not financing the cost of interior streets in a new development.
- b. On City-initiated joint ventures between the City and the adjacent property owner, the use of assessment paving financing may be used; however, the cost participation will normally be in accordance with the “Policy for Street Light Installation,” the “Policy for Street Name Sign Installation,” the “Policy for Street Improvements in New Developments and Subdivisions’ and the “Policy for Storm Drainage Facilities.”

**7. Boundary Streets Between Governmental Entities:**

Whenever a boundary street is to be constructed under the Assessment Paving Policy, the following shall apply:

- a. By mutual consent, one of the two municipalities shall act as the City assessing all property.
- b. The other City will grant authority to assess on behalf of the assessing City.
- c. The assessment policy to be used will be the one in effect in the assessing City.
- d. All cost of building the facility such as right-of-way, grading, drainage, pavement, engineering, administration, interest on borrowed money, etc., shall be divided equally between the two municipalities regardless of the exact location of the City limit line.
- e. Assessments made against property within each municipality shall be applied to and reduce the municipality’s obligation.
- f. Each City shall be responsible for financing the construction costs to be recovered through assessments to be levied within the respective City.

- g. The municipality not making the assessment shall pay its share (assessments plus City-at-large share) at the time of the Benefit Hearing unless arrangements to pay its share, with interest, have been agreed to by both Cities.

**8. Alleys:**

When an alley is improved under the assessment paving program, the cost distribution as outlined in Paragraph 1 above shall apply, except that:

- a. When platted lots zoned single-family and/or duplex residential are rezoned to a higher use and redeveloped and require access to the new development through the alley, the cost of improving the alley or a portion thereof to the nearest street, shall be the responsibility of the developer and a requirement of the building permit.
- b. Where property zoned other than single-family and/or duplex residential back up to property zone single-family and/or duplex residential in a given block and the owners of the property zoned other than residential request the alley be improved, the cost of improving the alley shall be the responsibility of the requesting owners. However, should owners of the residentially-zoned property have and/or desire access from the alley, a proportionate cost distribution shall apply to the width of their property abutting the alley.

**9. Deviations from Standard Policy:**

Deviations from standard policy, as stated herein, that are recommended by the Director of Transportation and Public Works shall be called to the attention of the City Council prior to or during the assessment paving Benefit Hearing. Any special credits not covered by the standard policy will be made only after approval of the City Council.

Deviations from standard policy shall apply in the following instances:

- (1) Bus Routes: A residential collector and/or local residential street designated and used as a bus route for more than 50% of the time since it was built to City specifications and where the City Engineer certifies that the deterioration of the street was accelerated by the bus operations, the street shall be reconstructed at 100 percent City cost subject to the availability of funds. This is because under normal vehicular usage a residential collector street and/or local residential street will not deteriorate as rapidly as one used by frequent bus traffic. It is therefore the public in general who cause the street to require reconstruction prior to normal life expectancy of the paving section. The new pavement section shall be designed and constructed to withstand bus wheel load traffic. Deteriorate

concrete curb and gutter and driveway approaches shall also be replaced in conjunction with the pavement reconstruction. In instances where no curb and gutter or driveway approaches exist, property owners may have same constructed by paying for each in advance and by having said curb and gutter included in the City's construction contract.

- (2) Water Main and/or Sanitary Sewer Main Replacement: At such time as the City's Water Department determines a water and/or sanitary sewer main should be replaced in local residential or residential collector streets that have been built to City standards and it is determined by Transportation and Public Works Department staff that the entire street pavement section should be reconstructed at 100 percent City cost. The cost shall be shared by the two departments. Normally, pavement section deterioration in this category is prompted by water and or sewer main breaks and/or the repair of same. Because the street was damaged by City operations, the City will assume the responsibility for its reconstruction. Deteriorated concrete curb and gutter and driveway approaches will be replaced at the same time. Where there is no existing concrete curb and gutter and/or driveway approaches, property owners may request that same be constructed and pay cash in advance based on unit prices of the project. Such funds will be deposited in the project account as a contribution.

**10. Payment:**

- a. The total amount of the assessment may be paid in a lump sum cash payment, without interest, if payment is made within 30 days of acceptance of the project by the City Council.
- b. The assessment may be divided into five equal annual payments to be paid over a four year period (ten equal payments over a nine year period for those properties that meet special provisions in Paragraph 4 or 5) with the first payment being due within 30 days of acceptance of the construction project by the City Council, and with interest on the unpaid balance, not to exceed the greater of: eight percent (8%) a year, or the rate payable by the City on its most recently issued general obligation bonds, determined as of the date of the notice of hearing on the assessments.
- c. The assessment may be paid in monthly payments of \$9.00 or more per month over a maximum period of 49 months with the interest rate pre-computed and made a part of the monthly payment.
- d. In financial hardship cases, where the owner occupies the property as a homestead, a monthly installment can be determined to fit any budget with payments extended for more than 49 months.

**11. Delinquent Assessment Collection Involving Homestead Property Owned by Persons 65 or Older:**

- a. Collection efforts for delinquent paving assessments against property owners who have been granted both the “Residential Homestead” property tax exemption and the additional homestead property tax exemption for persons 65 years of age or older will be different from the routine procedures utilized with property owners who do not have both of these exemptions.

If the particular property owner with both exemptions specific above has not made arrangements for payment of his or her assessment prior to completion of the project, a “standard” initial billing and letter will be sent just as it is sent to all property owners. The account will not become delinquent until 30 days after the due date. (Billings are handled by City employees in the Department of Fiscal Services). Interest on these accounts will accrue for no more than forty-nine months.

- b. When delinquent accounts are referred to the City’s contractor for collection, the accounts of these particular property owners will be flagged for different handling procedures. A delinquency notification letter will be sent explaining that no legal action will be taken to collect the assessment but that the obligation does still exist and that interest will accrue on the debt subject to the limitation provided in Paragraph 11a. This letter will give a City employee’s name to handle questions in the matter (rather than a name at the collection firm’s office). The same letter will be sent annually, simply as a reminder and to ensure understanding on the part of the property owner that the debt still exists which must be paid when the property is sold or transferred and that interest will continue to accrue subject to the limitation provided in Paragraph 11a. If there is some change in the property owner’s situation and the owner is able to pay the assessment at a later date, this reminder letter can help the owner eliminate this debt.

**12. Assessment Paving Petitions and Poll Card Surveys:**

- a. It is the City’s policy that a petition for paving of a street that qualifies for assessments that bears the signatures of the owners of at least fifty percent of the front footage on that street shall be sufficient to initiate a project for the paving of the street.
- b. If any street listed in the Capital Improvement Program qualifies for assessments and is declared by the City Staff to be in such a deteriorated condition that it needs to be rebuilt, the City Council may declare the necessity of the project and order the construction without a petition or poll card survey.
- c. If a street is a needed thoroughfare, the Staff determines that the street cannot be kept open to traffic because of gross pavement failure, and the City Council concurs, the City Council may order the project constructed or reconstructed without a petition or a poll card survey.

- d. The City will poll property owners to determine their desires with regard to street paving in the following situations:
  - (1) When a petition is received that represents a significant amount but less than fifty percent of the front footage on the street, the City will conduct a poll card survey of the remaining property owners.
  - (2) When a border street to a new development is a minor collector or a local street, the City will conduct a poll card survey of property owners other than the developer(s).
- e. When the property owners are surveyed by mail to determine their wishes regarding assessment paving projects, any property owner who does not respond will be assumed to have no objections to the project. If the signatures on the petition and the favorable poll cards, plus the poll cards that are not returned, represents fifty percent of the front footage on the street, the street will be recommended for paving.
- f. If a street scheduled in a bond program for improvement or a border street to a new development is classified by the Planning Department as an arterial or major collector street, no poll card survey will be conducted. In these cases, the necessity for street improvement for use by the City-at-large will be deemed to outweigh the preferences of the individual property owner; however, this assumption shall not be interpreted to mean that there will be no enhancement or benefit to the individual property.

**13. Provisions Concerning Prior Policy**

- a. The Assessment Paving Policy that was in effect immediately prior to the adoption of this revised Assessment Paving Policy is hereby expressly saved and preserved and such prior Policy shall remain in effect with respect to all paving assessment proceedings initiated thereunder and all liens assessed thereunder. Such assessment proceedings and liens shall not be affected by the adoption of this revised Policy and such proceedings and liens shall remain subject to the provisions of the prior Policy.
- b. Appendices A, A-1, A-2, B, B-1, C, C-1, C-2 and D of Section XII of the prior Assessment Paving Policy are not adopted as part of this revised Assessment Paving Policy.

**14. Effective Date:**

This policy shall become effective immediately upon adoption by the City Council.

Dear Property Owner:

The enclosed statement represents the first billing for the street paving assessment against Your property. The construction has been completed, and payment is due by the date Indicated.

If you have any questions, please call \_\_\_\_\_  
in the Assessment Paving Collection Office at (817) 871-6611.

Sincerely,

John Doe  
Title

Enclosure

Date:

Dear Property Owner:

The enclosed statement represents the total billing for the street paving assessment against your property. The construction has been completed, and payment is due by the date indicated.

If you have any questions, please call \_\_\_\_\_  
in the Assessment Paving Collection Office at (817) 871-6611.

Sincerely,

John Doe  
Title

Enclosure

Date:

Mr./Mrs./Ms./etc.  
Address  
City of Fort Worth, TX

RE: PAVING ASSESSMENT, LOT \_\_\_\_\_, BLOCK \_\_\_\_\_ .  
\_\_\_\_\_ ADDITION, TAX ACCOUNT NO. \_\_\_\_\_

Dear \_\_\_\_\_ :

According to our records, the paving assessment against your property is past due.

Since your property is a homestead and you qualify for the special homestead extension for persons sixty-five years or older, the City will not pursue court action to collect this assessment. Interest will continue to accrue, however, at the rate of 8% per annum; and we urge you to make arrangements for the payment of this obligation if it is at all possible.

If you have any questions, or if you desire to enter into a payment agreement, please call The City's Assessment Paving Collection Office at (817) 871-6661.

Sincerely,

Heard, Goggan and Blair

(M&C PW-1149, July 23, 1962)  
(Revised M&C G-1144, October 23, 1967)  
(Revised M&C G-1435, September 22, 1967)  
(Revised M&C G-2521, October 7, 1974)  
Revised M&C G-3989, November 14, 1978)  
(Revised M&C G-5381, August 31, 1982)  
(Revised M&\*C G-6539, January 7, 1986)  
(Revised M&C G-7160, July 28, 1987)  
(Revised M&C G-8000, April 11, 1989)  
(Revised M&C G-8894, November 6, 1990)  
(Revised M&C G-9312, September 17, 1991)  
(Revised M&C G-9351, October 22, 1991)  
(Revised M&C G-11497, June 11, 1996)